REMARKS

INTRODUCTION:

In accordance with the foregoing, Claims 1, 3-7, 13, 15, and 24 are pending and under consideration. Reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §112:

In the Office Action, at page 2, numbered paragraph 3, claim 24 was rejected under 35 U.S.C. §112, second paragraph, for the reasons set forth therein. Claim 24 was amended in the fully responsive Amendment filed March 23, 2009.

Accordingly, withdrawal of this rejection is respectfully requested.

DOUBLE PATENTING:

In the Office Action, at pages 2-4, numbered paragraph 4, claims 1, 3-7, 13, 15, and 24 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-15 of Kim et al (U.S. Patent No. 5,961,647; hereafter, Kim) in view of Chaiken et al. (U.S. Patent 6,223,283; hereafter, Chaiken). This rejection is traversed and reconsideration is requested.

Applicants respectfully request the Examiner to particularly set forth the requirements for a prima facie obviousness case regarding each claim element and each claim of claims 1, 3-7, 13, 15, and 24, with *particular explanations of what particular claim elements of claims "1-15" of Kim et al. meet each particular claimed features of each of claims 1, 3-7, 13, 15, and 24.*

Applicants note that for a double patenting obviousness type rejection the required elements of a prima facie obviousness case are still required.

Each claim has to be addressed, and each feature within each claim must similarly be addressed.

There must be a particular explanation of what features of what claim of claims 1-15 of Kim et al. are being relied upon to read on corresponding elements of any one of claims 1, 3-7, 13, 15, and 24.

The remaining requirements of a prima facie obviousness case must also be met, i.e., after the identification of which features are met by what claim and what claim element of claims 1-15 of Kim et al., there must then be a particular explanation of why it would have been obvious

to modify a particular claim of claims 1-15 of Kim et al. to include the relied upon feature from Chaiken.

A double patenting obviousness type rejection is with regard to the "claims", e.g., rather than a disclosure, and any rejection discussion and rationale must be with particular reference to the claims.

Rather, it is respectfully submitted that the double patenting rejection of claims 1, 3-7, 13, 15, and 24 merely sets forth a listing of features that may be found within claims 1-15 of Kim et al., without any such particularity.

Accordingly, it is respectfully submitted that the outstanding double patenting, obviousness type, rejection is improper.

Applicants respectfully request a new rejection at least setting forth a minimum requirement for a prima facie obviousness case.

Still further, it is noted that the Office Action's previous obviousness rejection based on Kim et al. and Chaiken were overcome by applicant's previous remarks and amendments, i.e., the Examiner has thus concluded that a combination of the disclosure of Kim et al. and Chaiken, to read on the pending claims, would not have been obvious.

A prima facie obviousness case under a double patenting obviousness type rejection would have to be substantially similar to the previous rejection based on the disclosure of Kim et al., i.e., there is not a lower standard of obviousness under a obviousness type double patenting rejection than a §103 rejection, and the corresponding previous conclusion by the Examiner that it would not have been obvious to modify Kim et al., based on Chaiken, should also be applied to the outstanding double patenting rejection.

It would equally not have been obvious to modify the claims of Kim et al. as it would have been to modify the disclosure of Kim et al. Thus, the obviousness type double patenting rejection should be withdrawn.

Lastly, similar to above, the Office Action proposed relied upon feature of Chaiken, and the Office Action's proposed rationale for modifying the claims of Kim et al. similarly based on Chaiken, are both lacking of a prima facie obviousness required analysis.

The Office Action merely recites: "It would have been obvious ... to locate the well known and conventional monitor ROM containing the monitor information with the MICOM switching circuit in order to take advantage of the independent 5 volt signal that provides power whether

the monitor is powered on or off because this would allow the monitor to remain off during computer initialization and configuration thereby reducing the power consumed by the monitor."

This statement in the obviousness analysis of the obviousness type double patenting rejection fails to meet the requirements of KSR, i.e., they are **only conclusory and are based upon the Examiner's own opinion, and not based upon evidence in the record.**

Again, it is respectfully noted that merely because the pending claims have been rejected under an obviousness type double patenting rationale **does not** mean that the required analysis and evidence is no longer required.

The obviousness type double patenting rejection must meet all requirements of a prima facie obviousness case.

Conversely, the statement and conclusion in the Office Action cannot be considered sufficient and this rejection must be withdrawn.

In view of the above, withdrawal of this obviousness type double patenting rejection is respectfully requested. If the outstanding rejections are maintained or reissued in any new Office Action applicants further request the Examiner to identify each claim and each feature of each claim, as well as meet the remaining requirements of a prima facie obviousness case.

REJECTION UNDER 35 U.S.C. §103:

Claims 1, 3-7, 13, 15, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kim et al, in view of Lee, (U.S. Patent Application Publication No. 2003/0137502 (hereafter referred to as "Lee"). This rejection is respectfully traversed.

According to 35 USC §103(c), It is respectfully submitted that Lee is not a proper reference under for 35 USC §103(a).

Applicants respectfully submit that certified copies of the two priority documents [**(1)** Korean Application No. 2002-67059 filed October 31, 2002 in the Korean Intellectual Property Office and **(2)** Korean Application No. 2002-68086 filed November 5, 2002 in the Korean Intellectual Property Office] had been timely filed in the U.S. Patent and Trademark Office on October 7, 2003 with the above-identified patent application. Applicants respectfully submit that a claim for priority from these priority documents was also properly made on October 7, 2003. Receipt of the certified copies and the claim for priority were acknowledged by the U.S. Patent and Trademark Office in the Office Action mailed April 17, 2006.

Applicants respectfully submit that the priority dates of the priority documents (October 31, 2002 and November 5, 2002) are before the publication date of U.S. Patent Application Publication No. 2003/0137502 to Lee, which was published on July 24, 2003.

Applicants concurrently submit herewith verified English translations of these priority documents. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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